

Report on the

ELEVATOR SAFETY REVIEW BOARD

Montgomery, Alabama



**Department of
Examiners of Public Accounts**

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July 30, 2008

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

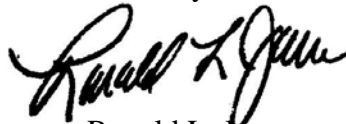
Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Elevator Safety Review Board** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Elevator Safety Review Board**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

Examiner
Daniel Dupree

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PROFILE

Purpose/Authority

The Alabama Elevator Safety Review Board was established effective September 1, 2003 by *Acts of Alabama*, Act 2003-349, to ensure the safe construction and operation of elevators. The statutory authority for the creation and operation of the board is found in the *Code of Alabama 1975*, Sections 25-13-1 through 25-13-25.

The board operates within the Alabama Department of Labor to regulate the construction, installation, inspection, maintenance, and repair of elevators. Statutes provide for regulation of the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, platform lifts, stairway chairlifts, escalators, moving walks, dumbwaiters, and automated people movers accessible by the general public.

Characteristics

Members and Selection	Ten members consisting of the Commissioner of The Alabama Department of Labor and nine members appointed by the governor. <i>Code of Alabama 1975</i> , Section 25-13-5(a)
Term	Upon expiration of the original terms of office, terms must be staggered so that: <ul style="list-style-type: none">• Three successors serve terms of office of one year each• Three successors serve terms of office of two years each• Three successors serve terms of office of three years each Thereafter, each successor member must be appointed to serve a term of three years. The Commissioner of Labor serves ex officio as a member. <i>Code of Alabama 1975</i> , Section 25-13-5(c)
Qualifications	The nine members appointed by the governor must include: <ul style="list-style-type: none">• A representative from a major elevator manufacturing company• A representative from an elevator servicing company• A representative of the architectural design profession• A representative of the general public• A representative of an Alabama municipality• A building owner or manager• Physically handicapped• A licensed professional engineer• A representative of labor involved in the installation, maintenance, and repair of elevators <i>Code of Alabama 1975</i> , Section 25-13-5(a)

Racial Representation	No statutory requirement. No current minority race representation.								
Geographical Representation	No statutory requirement.								
Consumer Representation	One representative from the general public is required. One member is serving. <i>Code of Alabama 1975</i> , Section 25-13-5(a)								
Other Representation	Membership shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i> , Section 25-13-5(a)								
Compensation	Board members do not receive compensation, but are reimbursed for travel expenses at the rates provided for state employees. <i>Code of Alabama 1975</i> , Section 25-13-5(b)								
<u>Operations</u>									
Administrator	Jim Bennett Commissioner, Department of Labor (No additional salary for board duties) <i>Code of Alabama 1975</i> , Section 25-13-5								
Location	100 North Union Street – Suite 620 P.O. Box 303500 Montgomery, AL 36130								
Examinations	<p>Examinations are required of persons applying for an elevator mechanics license. The board has developed and administers an elevator mechanic examination quarterly at the board’s office. A certificate of successful completion of the mechanic examination of a nationally recognized training program such as the National Elevator Industry Educational Program or its equivalent; or holding a valid license from a state having standards substantially equal to board statutes satisfies the examination requirement. <i>Code of Alabama 1975</i>, Section 25-13-8</p> <p><i>Examination Pass/Fail Statistics – June 2004 to Present</i></p> <table><tr><td>Taken</td><td>Pass</td><td>Fail</td><td>Pass %</td></tr><tr><td>31</td><td>8</td><td>23</td><td>26%</td></tr></table> <p>No examination is required of persons applying for licenses as contractors or inspectors. However, inspectors are required to be certified by the American Society of Mechanical Engineers as Qualified Elevator Inspectors.</p> <p><i>Code of Alabama 1975</i>, Section 25-13-9 <i>Code of Alabama 1975</i>, Section 25-13-10</p>	Taken	Pass	Fail	Pass %	31	8	23	26%
Taken	Pass	Fail	Pass %						
31	8	23	26%						

Renewals	Licenses expire and are subject to renewal two years from the date of issue. <i>Code of Alabama 1975</i> , Section 25-13-12(a)														
Licensees	<p>Licensees as of March 2008: <i>*Temporary licenses as of May 2008</i></p> <table> <tr> <td>Elevator Contractor</td><td>34</td></tr> <tr> <td>Elevator Inspector</td><td>29</td></tr> <tr> <td>Elevator Mechanic</td><td>345</td></tr> <tr> <td>Limited Elevator Contractor</td><td>6</td></tr> <tr> <td>Limited Elevator Mechanic</td><td>11</td></tr> <tr> <td>*Temporary Elevator Mechanic</td><td>54</td></tr> <tr> <td>Total</td><td>479</td></tr> </table>	Elevator Contractor	34	Elevator Inspector	29	Elevator Mechanic	345	Limited Elevator Contractor	6	Limited Elevator Mechanic	11	*Temporary Elevator Mechanic	54	Total	479
Elevator Contractor	34														
Elevator Inspector	29														
Elevator Mechanic	345														
Limited Elevator Contractor	6														
Limited Elevator Mechanic	11														
*Temporary Elevator Mechanic	54														
Total	479														
Reciprocity	Upon application, a license may be issued to a sole proprietor, firm, or corporation holding a valid license from a state having standards substantially equal to those of Alabama. <i>Code of Alabama 1975</i> , Section 25-13-11														
Continuing Education	Not less than 8 hours to be completed within one year preceding license renewal. A licensee unable to complete 8 hours prior to renewal due to a temporary disability may apply for a 90-day waiver from the board. <i>Code of Alabama 1975</i> , Section 25-13-12														
Conveyance Installation Permits	A permit from the administrator (Commissioner of Labor) is required before a conveyance is erected, constructed, installed, or altered within buildings or structures subject to the board's jurisdiction. Permits are issued to contractors licensed by the board. The board collects a permit fee.														
Certificates of Operation of Conveyances	<p>Certificates of operation, renewable annually, are required to operate a conveyance. The board collects a fee to issue a certificate of operation. An inspection is necessary for renewal. Certification and inspection of conveyances in private residences is voluntary. <i>Code of Alabama 1975</i>, Section 25-13-18</p> <p>10,593 active certificates of operation issued as of 7-7-2008</p>														
Inspections of Conveyances	Inspections are performed under jurisdiction of the board and are mainly carried out by private inspectors licensed by the board.														
Employees	5 Merit system employees (shared with other Dept. of Labor functions.)														
Legal Counsel	Attorney General's office – Jack Wallace, Assistant Attorney General														
Subpoena Power	None in the board's enabling statutes														

Internet Presence	<p>The board's website can be accessed at the Department of Labor's home page http://www.alalabor.state.al.us. The Safety Division – Elevators section contains:</p> <ul style="list-style-type: none"> • Listing of board members with contact information • Listing of licensed elevator inspection agencies in Alabama • Link to <i>Code of Alabama 1975</i>, Title 25, Chapter 13 • Link to administrative rules • Downloadable forms including: License applications, Installation permit application, Inspection reports, Temporary mechanic requirements, and Mechanic's examination application • Frequently asked questions
Attended Board Member Training	<p>Chief Elevator Inspector Commissioner's secretary Division secretary</p>
<u>Financial</u>	
Source of Funds	Inspection fees and fines, as provided by the board's enabling statutes.
State Treasury	Yes
Unused Funds	<p>All fees are required by law to be remitted to the Elevator Safety Review Board Operational Fund in the State General Fund. (<i>See Significant Item#1</i>) <i>Code of Alabama 1975</i>, Section 25-13-6(d)</p>

SIGNIFICANT ITEMS

1. **A significant item remains from the board's initial 2004 sunset report. Fees collected by the board are not deposited into the General Fund, as required by law. The *Code of Alabama 1975*, Section 25-13-6(d) originally stated, "All fees collected by the administrator pursuant to this chapter shall be remitted to the State General Fund to the credit of the Department of Labor." However, in order to retain the unexpended balance of fees, the fees were deposited into a separate fund rather than into the General Fund.**

If the fees were deposited into the General Fund, the board would lose the balance of unexpended fees at the end of each fiscal year. Authority to spend from the General Fund is limited to the amount of the appropriation in the annual appropriation act. Appropriations expire each year, and unexpended balances of General Fund appropriations are not preserved. Agencies that operate from the General Fund begin each year with a zero balance other than amounts reserved for prior year obligations that have not been paid.

Rather than being deposited into the General Fund, elevator safety fees were and are deposited into a separate Department of Labor fund that also contains federal and local funds. Unlike the General Fund, unexpended amounts in this fund are preserved for the use of the board. This condition also exists with respect to the Board of Boiler and Pressure Vessels, also administered by the Department of Labor.

Following the 2004 sunset review process, sunset legislation [Act 2005-69] amended the board's licensing law in Section 25-13-6(d) to read, "*All fees collected by the administrator pursuant to this chapter shall be remitted to the Elevator Safety Review Board Operational Fund in the State General Fund to credit of the board for its operation.*" The amendment did not resolve the problem. The language in the amendment creates a separate fund within the General Fund. Creation of a separate fund within the General Fund for exclusive use of the Elevator Safety Review Board is not compatible with the state's accounting system. In addition, the amended language did not preserve year-end balances of unexpended fees for use of the board.

The board was reviewed by the Sunset Committee again in 2006, but sunset legislation did not address this issue.

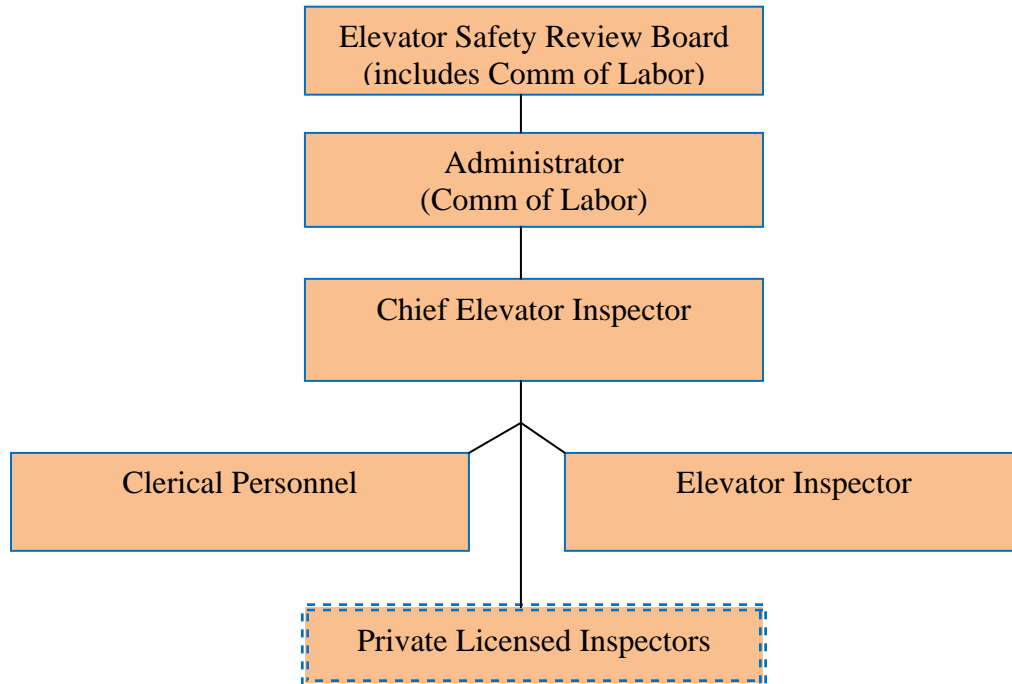
In the 2008 Legislative Session, unsuccessful legislation sponsored by Representative Morrow addressed this and other issues and would have corrected the problem by creating a separate fund in the State Treasury reserved for the board's operations. The corrective legislation was worded, "*All fees collected by the administrator pursuant to this chapter shall be remitted to the Elevator Safety Review Board Operational Fund in the State Treasury to the credit of the Department of Labor.*"

2. **The amount of the board's fees appears inconsistent with the Code of Alabama 1975**, Section 25-13-6(d), which states that, "The board shall establish fee schedules for licenses, permits, certificates, and inspections. **The fees shall reflect the actual costs and expenses to conduct the duties as described in this chapter.** The board's expenses for the 2007 fiscal year were only 35 % of its receipts. Expenses for the preceding three fiscal years were 28% of receipts (2006), 19% of receipts (2005) and 8% of receipts (2004). The board has accumulated an unreserved balance of \$1,671,522.67 in its four years of operation. The board's schedule of fees is presented in this report.

STATUS OF PRIOR FINDINGS

Except for the conditions described in Significant Item #1, all prior findings have been resolved.

ORGANIZATION



PERSONNEL

The Elevator Safety Review Board operates within the Department of Labor.

Classification	Number of Employees	Race	Gender
Chief Elevator Inspector*	1	White	Male
Elevator Inspector	1	White	Male
ASA II*	1	White	Female
ASA I*	1	White	Female
Clerk*	1	White	Male
Clerical Aide*	1	White	Female

*According to the Chief Elevator/Boiler Inspector, these employees work equal time for the Elevator Safety Review Board and the Board of Boilers and Pressure Vessels.

PERFORMANCE CHARACTERISTICS

Number of Regulated Conveyances per Employee – 3,027 - (10,593 active certificates of operation issued as of 7-7-2008) (Employees in Full-Time Equivalents = 3.5)

Total Expenditure per Regulated Conveyance (2007 Fiscal Year) - \$30.36 (\$321,600.55/10,593 active certificates of operation issued as of 7-7-2008)

Number of Persons per Licensee in Alabama and Surrounding States

	Population (Estimate)*	Number of Licensees	Persons Per Licensee
Alabama	4,627,851	479	9,661
Florida	18,251,243	2,014	9,062
Georgia	9,544,750	1,161	8,221
Mississippi	2,918,785	No license requirements	N/A
Tennessee	6,156,719	23 **	267,683

* July 1, 2007 U.S. Census Bureau

** State of Tennessee licenses only elevator inspectors (not mechanics or contractors)

Notification to Licensees of Board decisions to Amend Administrative Rules

The board complied with procedures as provided in the state's Administrative Procedure Act, which includes submitting proposed rules to the Legislative Reference Service for publication in the Administrative Monthly, and public hearings on proposed rules. The Board's quarterly newsletter containing information on rule and fee changes is sent to licensees.

Inspection Statistics

	2006	2007
Inspections	7,340	8,378
Violations	19,815	18,292

Inspections

The board employs one inspector other than the chief inspector. Routine inspections are mainly performed by private inspectors licensed by the board. Violations are reported by the inspectors. When the inspections are completed, the owner/installer is given a copy of the inspection report. The inspection report is sent to the Department of Labor, where inspection and violation information is entered into the board's database. After data entry, an invoice for the inspection and a violation notification letter are sent to the owner/installer. The owner/installer is allowed 30 days to correct the violations. The owner/ installer must sign and date the violation notification letter, and return it, along with the paid invoice, to the board's offices. If a letter of correction is not received within 60 days, departmental staff contacts the owner/ installer periodically to determine if the violations are resolved. In subsequent inspections, the inspector determines if corrections were completed. A new or renewal certificate of operation will not be issued until the violations are corrected. As of July 1, 2008, there were 4,796 open violations.

Complaints

Rules 490-2-4-.01 through 490-2-4-.07 of the board's administrative code establishes the procedures for documentation, receipt and investigation used in the complaint process. A

person may file a complaint in writing. Complaint forms are available on the Alabama Department of Labor's website and in the department's offices. When a complaint is filed, the scope of the resulting investigation is not limited to the matter set forth in the complaint but may extend to any act that appears to violate the law or the board's administrative rules.

The board does not have a database dedicated to recording, monitoring and resolution of complaints. All complaints received are recorded in a logbook kept in the board offices. The board has not received any complaints in the previous two years.

Complaint Process

Initial Documentation	A person may file a complaint with the board in writing, setting forth a full statement of the facts concerning the alleged infraction of the elevator licensing law or rules. (<u>Administrative Code, Section 490-2-4-.01</u>). A person may register a complaint against a mechanic or inspector licensed by the board by filing a written complaint with the Department of Labor. The written complaint must set forth, at a minimum, the nature, date and place of the alleged violations. The board may also initiate a license review procedure on its own motion by filing a complaint with the department. (<u>Administrative Code, Section 490-2-4-.03(1)</u>).
Informal Disciplinary Procedure	<p>If the respondent is a licensee of the board, the department will docket the complaint and open an investigation file under the name and license number of the person. If the person is unlicensed and the complaint alleges criminal conduct, the department will refer the complaint to the office of the Attorney General or the Office of the District Attorney having jurisdiction over the case.</p> <p>An investigating panel consisting of an investigator designated by the department and an Assistant Attorney General will be formed upon the docketing of a complaint. The Assistant Attorney General assigned to the case will head the panel and supervise the investigation of the complaint. (<u>Administrative Code, Section 490-2-4-.03</u>).</p> <p>The department will send written notice of the initiation of an investigation to the licensee against whom the complaint has been filed. The notice shall include a copy of the complaint and a copy of the statute and administrative rules. The notice will</p>

	<p>inform the licensee that inquiries or materials regarding the investigation should be addressed to the investigating panel at the address of the department. The department will send written notice to the board and the complainant indicating that an investigation has been instituted.</p> <p>The inspector assigned to investigate the complaint shall inspect the work, which is the subject of the complaint, and interview the complainant. The inspector may also meet and interview the licensee at the direction of the Assistant Attorney General or District Attorney assigned to the matter. (<u>Administrative Code, Section 490-2-4-.04</u>).</p> <p>At the conclusion of the investigation the Assistant Attorney General or District Attorney assigned to the matter shall make a recommendation as to whether formal proceedings should commence against the licensee. If the licensee is willing to admit to the charges the Assistant Attorney General or District Attorney may explore the possibility of a stipulated settlement. If no disciplinary action is recommended, the case will be closed and the complainant and the licensee will be notified that no further action will be taken at this time. The matter may be reopened if new evidence is presented. (<u>Administrative Code, Section 490-2-4-.05</u>).</p>
Formal Hearings	<p>If formal disciplinary proceedings are recommended, the board will give written notice of the specific factual allegations and charges placed against the respondent and the time and place of a hearing of the charges by the board, or the board may appoint a person to act on its behalf as hearing officer at its administrative hearings.</p> <p>Formal charges are sent to the respondent in compliance with the requirements of the Alabama Administrative Procedures Act, and are served in a timely manner as prescribed by law. The person charged with a violation appears before the members of the board or hearing officer for an administrative hearing. The person being charged has the right to an attorney to be present at the time of the hearing. Both the board and the licensee have the right to present testimony and each party has the right of cross-examination. (<u>Administrative Code, Section 490-2-4-.06</u>).</p>

Resolution/Disposition	<p>In assessing the penalty for code violations, the administrator or administrator's designee shall consider the seriousness of the hazard, the number of people exposed to the hazard, whether or not the violation was corrected after notification of its existence, and whether the person has been disciplined for the same or similar violation previously. When a monetary penalty is assessed, the fine shall range from \$250 - \$1,500 per offense.</p> <p>Administrative penalties issued under these rules shall not be construed to limit the authority of the administrator to issue orders, revoke permits, revoke licenses or take any other appropriate enforcement action in addition to the administrative fines. (<u>Administrative Code, Section 490-2-4-.07</u>).</p>
Anonymous Complaints	Anonymous complaints are accepted.

SMART BUDGETING

The Director of Finance implemented a system of budgeting named SMART, an acronym for Specific, Measurable, Accountable, Responsive, and Transparent. The SMART system requires each agency to submit performance goals and objectives to the Department of Finance - the goals to be stated as long-term, multi-year targets, which are to be achieved through accomplishment of stated objectives, which are single-year targets. The agency reports its progress toward achievement of the objectives on annual Quarterly Performance Reports, which are available to the public at the state's Internet website. <http://www.smartbudgeting.alabama.gov/FormsDownload/FormSelect.aspx>

The board's goals and objectives are presented, along with the examiners comments.

2007 GOALS	COMMENTS
1. Hire two jurisdictional inspectors and to promote public awareness of the elevator safety program.	Consists of two separate goals. Hiring two inspectors is a staffing rather than a performance goal. Promoting public awareness is not measurable.

2007 OBJECTIVES	REPORTED	COMMENTS
1. Reduce the number of complaints to one per 100 inspection reports.	0	Inappropriate - Inspection reports are not a factor in the number of complaints.

2. Reduce the time spent entering inspection reports by 2%.	8187	The objective to reduce time spent entering inspection reports appears appropriate, but reported performance does not address the objective. The reported data presents the number of elevators and escalators inspected rather than the percentage reduction of time entering inspection reports. The objective and reported performance do not reveal the degree of progress in achieving a target level of performance. Supporting data for reported performance was available for examination, although it was not relevant to the objective.
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2008 OBJECTIVES	COMMENTS
W3 – [workload objective] Elevator Safety Board will increase the number of inspections by 10%, with additional inspector.	For 2008, the board's objectives were combined with the other functions of the Department of Labor. No objectives relative to the board were labeled as performance objectives (quality or efficiency); however, the format of this workload objective has been used by other agencies as the format for a performance objective. The actual performance data being reported on the performance report during 2008 is not consistent with the objective [see performance report in the appendices]. The data presents the number of inspections rather than the % increase.

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The Alabama Department of Public Health, State Building Commission and local fire departments inspect some building elevator hoistways and machine rooms during construction and otherwise. These areas are also inspected under authority of the Elevator Safety Review Board.

The *Code of Alabama 1975*, Section 25-13-3(1) states that,

(a) Unless otherwise provided herein, this chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment, its associated parts, and its hoistways:

(1) Hoisting and lowering mechanisms equipped with a car or platform, which

move between two or more landings. This equipment includes, but is not limited to, the following:

- a. Elevators.
- b. Platform lifts and stairway chairlifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following:

- a. Escalators.
- b. Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following:

- a. Dumbwaiters.

b. Material lifts and dumbwaiters with automatic transfer devices.

FINANCIAL INFORMATION

Operating funds are provided by licensing and inspection fees. The fees are deposited and disbursed from the State Treasury in Fund 0576 entitled Labor-Federal Funds. This fund also contains receipts from the Board of Boilers and Pressure Vessels and federal grants from the Bureau of Labor Statistics, U.S. Department of Labor; Occupational Safety and Health Administration. The board's fees are required by law to be deposited into the state's General Fund but are deposited into this fund to preserve year-end balances of unexpended receipts [See report section entitled SIGNIFICANT ITEMS].

Schedule of Fees

<i>License/Renewal</i>	<i>Statutory Authority</i>	<i>Amount</i>
Elevator Contractor's License	25-13-6(d)	\$300.00
Elevator Contractor's License Renewal (biennial)	25-13-6(d)	\$200.00
Limited Elevator Contractor's License	25-13-6(d)	\$300.00
Limited Elevator Contractor's License Renewal (biennial)	25-13-6(d)	\$200.00
Elevator Mechanics Limited License (Initial and biennial renewal)	25-13-6(d)	\$100.00
Elevator Inspectors License (Initial and biennial renewal)	25-13-6(d)	\$100.00
Late Renewal Fee *	25-13-6(d)	\$25.00

* If a license is allowed to lapse, it may be renewed within one year of its expiration date by the payment of \$25.00 in addition to the renewal fee.

<i>Installation Permits * (Per Unit)</i>	<i>Statutory Authority</i>	<i>Amount</i>
Elevators		\$400.00
Plus, for each floor		\$15.00
Dumbwaiter and material lifts	25-13-16(b)	\$250.00
Escalator	25-13-16(b)	\$250.00
Private residence incline lifts and elevators	25-13-16(b)	\$250.00
Special purpose personnel elevators and wheelchair lifts	25-13-16(b)	\$250.00

* Two acceptance inspections and the operating permit fees are included in the \$400.00 installation permit fee. Additional inspections are \$260.00 per visit.

<i>Major Alteration Permits * (Per Unit)</i>	<i>Statutory Authority</i>	<i>Amount**</i>
Each alteration – one item as outlined in Section 1200 and 1201 of the Standard	25-13-16(b)	\$250.00
Each additional alteration	25-13-16(b)	\$250.00

* The acceptance inspection fee is included in the major alteration permit fee. The alterations inspection will not change the normal inspection or the operating permit due date. Additional inspections shall be \$250.00.

** Subject to a maximum of \$500.00 per unit.

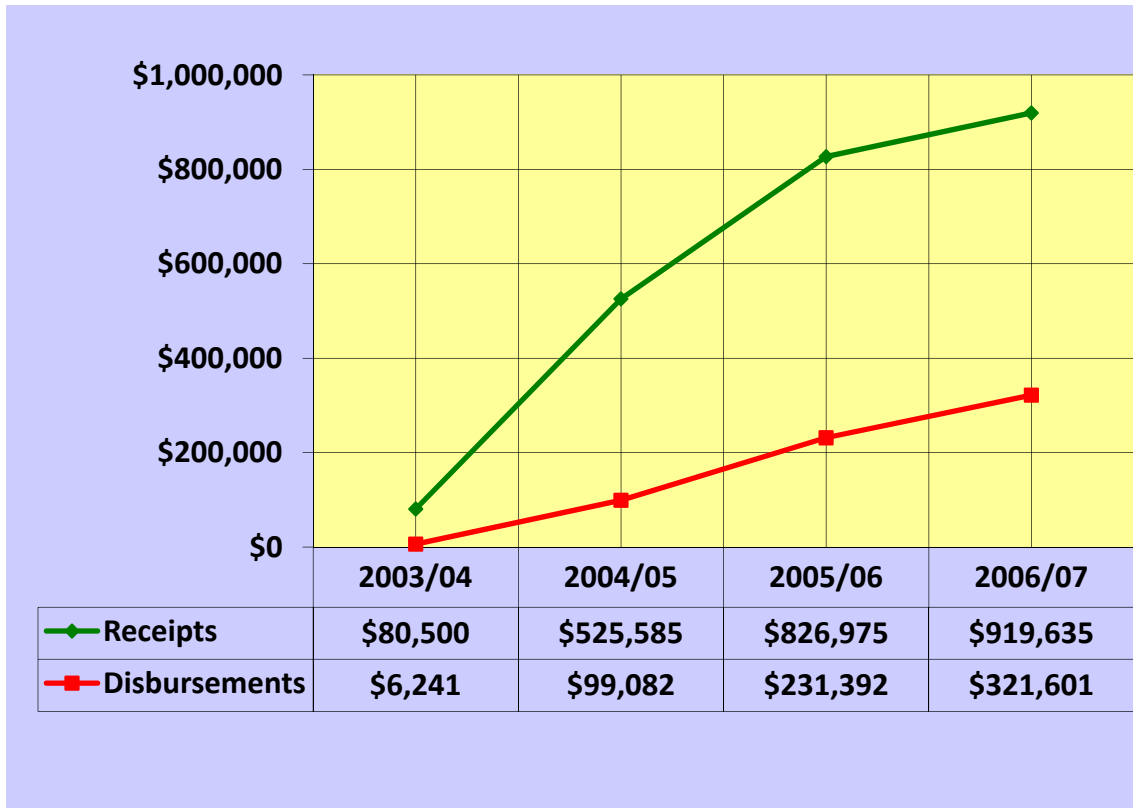
<i>Operating Permits</i>	<i>Statutory Authority</i>	<i>Amount</i>
One-year	25-13-18(a)	\$100.00
Temporary	25-13-18(a)	\$260.00
<i>Inspection Fees</i>	<i>Statutory Authority</i>	<i>Amount</i>
Inspections by a licensed inspector per unit	25-13-6(d)	\$90.00

Schedule of Receipts, Disbursements, and Balances

For the Period October 1, 2003 through September 30, 2007

	<u>2006/07</u>	<u>2005/06</u>	<u>2004/05</u>	<u>2003/04</u>
<u>Receipts</u>				
Fees	\$ 919,635.00	\$ 826,975.00	\$ 525,585.00	\$ 80,500.00
<u>Operating Disbursements</u>				
Personnel Costs	136,918.91	97,074.92	42,943.30	-
Employee Benefits	66,583.92	39,288.11	16,306.55	-
Travel In-State	6,527.85	6,322.25	983.28	1,447.50
Travel Out-of-State	-	-	89.15	-
Repairs and Maintenance	889.96	324.89	-	-
Rentals and Leases	12,795.26	15,742.45	11,992.08	-
Utilities and Communications	7,505.79	7,474.23	2,885.79	500.00
Professional Services	48,473.06	31,193.00	12,155.00	655.00
Supplies, Materials, and Operating Expenses	13,686.51	11,946.74	3,350.99	3,488.27
Transportation Equipment Operations	9,029.55	10,376.98	1,619.06	150.00
Transportation Equipment Purchases	15,511.00	8,400.00	5,700.00	-
Other Equipment Purchases	3,678.74	3,248.54	1,057.10	-
Total Operating Disbursements	321,600.55	231,392.11	99,082.30	6,240.77
Excess (Deficiency) of Receipts over Disbursements	598,034.45	595,582.89	426,502.70	74,259.23
Cash Balance at Beginning of Year	1,096,344.82	500,761.93	74,259.23	-
Cash Balance at End of Year	1,694,379.27	1,096,344.82	500,761.93	74,259.23
Reserved for Unpaid Obligations	(22,856.60)	(44,577.60)	(5,357.74)	-
Unobligated Cash Balance at Year-End	\$ 1,671,522.67	\$ 1,051,767.22	\$ 495,404.19	\$ 74,259.23

Operating Receipts vs. Operating Disbursements



QUESTIONNAIRES

Board Members

Questionnaires were mailed to all ten board members. Seven responded.

Question #1

What are the most significant issues currently facing the Elevator Safety Review Board and how is the Board addressing these issues?

1. "Elevator technology is changing rapidly. With several European designs entering the North American markets. Codes adopted by statute do not always change as rapidly as do elevator designs. The Elevator Safety Review Board is compelled to adapt to the needs of an ever changing high-tech industry, but at the same time must properly address the needs of a safe riding public, as well as the needs of elevator constructors. *This board has established a committee to address the issues and keep the board updated in this important area.*"
2. "Inspecting all of the elevators that we are required to inspect. *Hiring an additional inspector for the state.*"
3. "Review the applicable safety and installation codes pertaining to MRL elevators. *Got good reports and everything is going good.*"
4. "Getting the news out about what we do. *The newsletter.*"
5. "Passage of current elevator safety bill modifications as before legislature."
6. "No apparent problems."
7. "The changing technology of elevators (machine-room less elevators) and maintaining the operational and maintenance safety of the elevators."

Question #2

What changes to the Elevator Safety Review Board's laws are needed?

1. "This board should have civil penalty authority. Mandatory accident reporting. Shutting down of unsafe equipment."
2. "We need to remain current with the National Elevator Code. We need more enforcement authority to have owners to comply with the laws."
3. "None."
4. "As per elevator safety bill modifications before legislature."
5. "Very little proposed changes have been presented."
6. "Numerous requests for construction variances are requiring that the Review Board review such requests and expend considerable time. A streamlined review process (if possible) would be helpful."

Question #3

Is the Elevator Safety Review Board adequately funded?

5 Yes _____ No 2Unknown _____No Opinion

Question #4

Is the Elevator Safety Review Board adequately staffed?

5 Yes 2 No _____Unknown _____No Opinion

1. "No. We need an additional State inspector to handle the work load in South Alabama."
2. "No. I feel that someone representing the Elevator Inspection industry should be added to the Board. The Labor Department also needs to hire additional inspectors."

Question #5

What is the purpose of your fiscal year-end balance of unobligated funds?

1. "To hire additional staff, inspectors, purchase additional vehicles and other operational functions."
2. "We need to maintain a reserve of funds to operate if resources become scarce."
3. "To stay in the Elevator Review Board accounts for the department's needs."
4. "To hire additional inspectors, pay expenses etc."
5. "No unobligated funds are available."

Elevator Contractors

Questionnaires were mailed to 34 elevator contractors. 18 responded.

Question #1

Do you think regulation of your profession by the Elevator Safety Review Board is necessary to protect public welfare?

16 Yes 2 No _____ Unknown _____ No Opinion

Question #2

Do you think any of the Elevator Safety Review Board's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

4 Yes 14 No _____ Unknown _____ No Opinion

Question #3

Do you think any of the Elevator Safety Review Board's requirements are irrelevant to the competent practice of your profession?

5 Yes 12 No 1 Unknown _____ No Opinion

Question #4

Are you adequately informed by the Elevator Safety Review Board of changes to and interpretations of Elevator Safety Review Board positions, policies, rules and laws?

11 Yes 5 No 2 Unknown _____ No Opinion

Question #5

Has the Elevator Safety Review Board performed your licensing and renewal in a timely manner?

17 Yes 1 No _____ No Opinion

Question #6

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Elevator Safety Review Board doing to address the issue(s)?

1. "Making sure that all companies install elevators in accordance with the elevator safety code. *The effort to bring all elevators up to safety code standards.*"
2. "I have no issues at this time in Alabama! Thank you for the prompt servicing of my licenses!"
3. "Bringing old, existing installations up to current standards."
4. "Phase I and II fire service, writing up 2009 compliance. We would like to see follow up/penalizing of facilities that do not comply with state inspection items."
5. "We have none."
6. "Enforcing customers / clients to conform to the rules and regulations. *Legislation is proposed to apply monetary penalties and fines.*"
7. "Licensing specifically for residential applications."
8. "I am concerned that the Elevator Safety Review Board is stacked by pro-labor appointees and that merit shoppe contractors may not be reviewed fairly and equitably. The review board needs to support all other legitimate educational and apprenticeship programs such as National Association of Elevator Contractors and Certified Elevator Technicians. I also do not feel that the Elevator Review Board should be allowed to have union business agents on the board. Nor should they be allowed to have a paid merit shoppe lobbyist on the board."
9. "Safety."
10. "We are new in the market in Alabama and have not done enough business to answer this question."

Question #7

Do you think the Elevator Safety Review Board and its staff are satisfactorily performing their duties?

15 Yes 1 No _____ Unknown 2No Opinion

Question #8

Has any member of the Elevator Safety Review Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

0 Yes 18 No

Elevator Inspectors

Questionnaires were mailed to 23 elevator inspectors. 8 responded.

Question #1

Do you think regulation of your profession by the Elevator Safety Review Board is necessary to protect public welfare?

8 Yes _____ No _____ Unknown _____ No Opinion

Question #2

Do you think any of the Elevator Safety Review Board's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

1 Yes 6 No _____ Unknown 1 No Opinion

Question #3

Do you think any of the Elevator Safety Review Board's requirements are irrelevant to the competent practice of your profession?

1 Yes 7 No _____ Unknown _____ No Opinion

Question #4

Are you adequately informed by the Elevator Safety Review Board of changes to and interpretations of Elevator Safety Review Board positions, policies, rules and laws?

2 Yes 4 No 2 Unknown _____ No Opinion

1. "No. I received my first copy of "Ups and Downs" this month, but no comment in it from the E.S.R.B., just the chief inspector."

Question #5

Has the Elevator Safety Review Board performed your licensing and renewal in a timely manner?

8 Yes _____ No _____ No Opinion

Question #6

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Elevator Safety Review Board doing to address the issue(s)?

1. "Having the authority to see that the code is being complied with. The Board is not supported by the legislation and the governor."
2. "Getting all vertical transportation devices in the state properly identified and inspected. *I do not know specifically what they are doing.*"
3. "Currently inspectors are not required to "witness" the testing of elevators. Due to no witnessing we actually have no proof tests are performed or performed accurately which affects the safety of the riding public."
4. "The state of Alabama needs to have at least one person qualified and experienced to be involved with the inspection bureau. *They currently have none. The public interests are not protected.*"
5. "Central Elevator Inspection (CEI) needs to be monitored more closely for their practices."
6. "Cost of doing inspections. *Nothing to my knowledge.*"

Question #7

Do you think the Elevator Safety Review Board and its staff are satisfactorily performing their duties?

6 Yes 1 No 1 Unknown _____ No Opinion

Question #8

Has any member of the Elevator Safety Review Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

0 Yes 8 No

Elevator Mechanics

Questionnaires were mailed to 100 elevator mechanics. 22 responded.

Question #1

Do you think regulation of your profession by the Elevator Safety Review Board is necessary to protect public welfare?

19 Yes 3 No _____ Unknown _____ No Opinion

Question #2

Do you think any of the Elevator Safety Review Board's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

6 Yes 15 No 1 Unknown _____ No Opinion

Question #3

Do you think any of the Elevator Safety Review Board's requirements are irrelevant to the competent practice of your profession?

5 Yes 14 No 3 Unknown _____ No Opinion

Question #4

Are you adequately informed by the Elevator Safety Review Board of changes to and interpretations of Elevator Safety Review Board positions, policies, rules and laws?

5 Yes 14 No 2 Unknown 1 No Opinion

Question #5

Has the Elevator Safety Review Board performed your licensing and renewal in a timely manner?

20 Yes 1 No 1 No Opinion

1. "Yes, but I wish there were more attempts to keep the licensees informed."

Question #6

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Elevator Safety Review Board doing to address the issue(s)?

1. "XXXXXXXXXXXX. He is a XXXXXXXXXXXXXXX, who tries to intimidate customers with his little badge, and he's not even QEI certified. He did the same as a business rep. and look what it got him."
2. "Many card carrying mechanics will not report units that have not been inspected. No oversight of inspectors, many violations are being overlooked. They collect their fee and go to the next job. Some building owners are taking 14 to 16 months to renew and there are no penalties. Some building owners are just signing the forms to get their C.O. operation and not correcting the problems written up by the inspectors."
3. "Administrators should stand behind the inspectors, and should know the code and how to enforce it. They should not grant variances over the phone."
4. "Remote machine rooms. Machines located in overhead. Bands in place of cables."
5. "No issues."
6. "Need to get cities and city fire marshall on the same page as state regulations."
7. "Getting people to understand the need to follow the national elevator code and state law."
8. "The importance of the public's knowledge of elevator do and don'ts etc. *Not sure what is done.*"
9. "Bring elevators up to ANSI standards and not giving owners adequate time to respond."
10. "Consistency with inspections."
11. "The lack of enforcement of requirements. The lack of informing licensed mechanics of the regulations."

Question #7

Do you think the Elevator Safety Review Board and its staff are satisfactorily performing their duties?

13 Yes 4 No 4Unknown 1No Opinion

Question #8

Has any member of the Elevator Safety Review Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

0 Yes 22 No

Limited Mechanics or Contractors, and Temporary Mechanics

Questionnaires were mailed to 24 licensees. 13 responded.

Question #1

Do you think regulation of your profession by the Elevator Safety Review Board is necessary to protect public welfare?

6 Yes 7 No _____ Unknown _____ No Opinion

Question #2

Do you think any of the Elevator Safety Review Board's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

8 Yes 3 No 2 Unknown _____ No Opinion

1. "Yes. I think if you do only wheelchair lifts, home elevators you should be able to get a license if you go to the manufacturer's school and understand it. Because the inspectors are going to check all the safeties to make sure no one will get hurt."

Question #3

Do you think any of the Elevator Safety Review Board's requirements are irrelevant to the competent practice of your profession?

6 Yes 4 No 3 Unknown _____ No Opinion

Question #4

Are you adequately informed by the Elevator Safety Review Board of changes to and interpretations of Elevator Safety Review Board positions, policies, rules and laws?

5 Yes 5 No 2 Unknown 1 No Opinion

Question #5

Has the Elevator Safety Review Board performed your licensing and renewal in a timely manner?

12 Yes _____ No 1 No Opinion

Question #6

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Elevator Safety Review Board doing to address the issue(s)?

1. "People selling and installing stair lifts not trained or licensed."
2. "The added cost to the physically challenged. All these license cost adds to the problem. The consumer pays taxes on the equipment to the state, if that isn't enough, maybe some cost cutting solutions on the state's end may be in order."
3. "For the home use of mobility devices everything was fine as it was. The physically challenged needs no more grief than they already have. Please stay out of our homes and do a good job on public conveyances. You never ask the people who deal with the customers or the customers their thoughts on added expense to them!"
4. "Nothing. I think this review Board is just another way for you people to make money off of dealers. We have never had a problem with safety and don't know anyone who has with stair lifts and platform lifts."
5. "Unregulated internet competition. *Nothing is being done to regulate unlawful self installation.*"
6. "Nothing is being done to regulate internet sales and self installations."
7. "A majority of states do not regulate the stairway chair lifts through a state board. I don't understand why Alabama has to permit private residences for stairway chair lifts? Seems like they just want a cut of the profit we make."

Question #7

Do you think the Elevator Safety Review Board and its staff are satisfactorily performing their duties?

7 Yes 3 No 2 Unknown 1 No Opinion

1. "No. All areas of responsibility except internet sales are satisfactory."
2. "Yes. Except for internet."

Question #8

Has any member of the Elevator Safety Review Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

0 Yes 13 No

1. "No. But I think \$50 monthly is a little high to let a T.M. work when a cardholder only pays \$50 a year."
2. "No. All staff members have conducted themselves very professionally at all times. I have been very pleased with the individuals I have had contact with."

Potential customers go to the internet and price an inferior product that does not meet our regulations. The ad says “easily installed in a couple hours.” They call me and I immediately add \$100 for permit and \$150 for inspection; I price out a quality unit and estimate a 4 hour install. They order online and get Joe the handyman to figure it out (usually his first and last one). This is the real safety issue facing my profession.”

APPENDICES

2007 & 2008 SMART Performance Reports

Smart Quarterly Performance Report											
Fiscal Year: 2007											
Agency: 039 Labor, Department											
Org:											
Program: 021 REGULATORY SERVICES											
Activity: 8100 ELEVATOR BOARD											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Workload/Cost Factor	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
WC1: Number of inspections to increase by 10%	0	500	2,264	0	2,145	0	1,761	0	2,017	0	0
Spending	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
SP1: This program is self supporting	0	125,000	205,025	0	283,650	0	259,760	0	217,090	0	0
Staffing	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
ST1: Increase staff to insure that law is administered properly as fees permit	0	2	3.5	0	3.5	0	3.5	0	3.5	0	0
Efficiency	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
EF1: Reduce the number of compliants to one per 100 inspection reports.	0	0	0	0	0	0	0	0	0	0	0
Quality	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
QU1: Reduce the time spent entering inspection reports by 2%	0	500	2,264	0	2,145	0	1,761	0	2,017	0	0

FY 08 SMART Quarterly Performance Report

Basic Agency

Agency:	039 - Labor, Department	Program:	021 - REGULATORY SERVICES
Organization:	-	Activity:	-
Mission:	Provide services to protect the citizens and minors in Alabama (Code Section 25-7-1 thru 54; Boiler & Pressure Vessel Board 25-12-1 thru 22; Elevator Safety Review Board 25-13-1 thru 25 and Child Labor 25-8-1 thru 61)		

Workload Measures and Quarterly Projections										
	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Workload Measure	Projected	Actual	Projected	Actual	Projected	Actual *	Projected	Actual *	Projected	Actual *
W1: Child Labor will, with two new inspectors, increase number of inspections of businesses hiring minors by 10%	300	335	300	406	300	0	300	0	1200	0
W2: Boiler & Pressure Vessel Board will increase number of inspections by 10% with additional inspectors	1200	1,775	1200	1,783	1200	0	1200	0	4800	0
W3: Elevator Safety Review Board will increase number of inspections by 10% with additional inspector	1500	2,070	1500	2,373	1500	0	1500	0	6000	0
W4: Occupational Safety & Health (BLS & OSH Grants) will maintain and achieve 85% usable response rate for both programs	0	0	1700	2,169	1700	0	500	0	3900	0
* Actual workload data is not currently available for this quarter.										

* Measure W3 relates to the Elevator Safety Review Board.

Statutes

CHAPTER 13. ELEVATOR SAFETY.

§ 25-13-1. Purpose. *Current through End of 2007 Regular Session.*

(a) The purpose of this chapter is to provide for the safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public exposed to unsafe conditions. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this state. Elevator personnel performing work covered by this chapter shall by documented training or experience, or both, be familiar with the operation and safety functions of the components and equipment. Training and experience shall include, but not be limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of this chapter. This chapter shall establish the minimum standards for elevator personnel.

(b) The provisions of this chapter are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by this chapter, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in ASME A17.1, ASME A18.1, or ASCE 21.

(c) The design or modification of equipment covered by this chapter shall be prepared by or under the direct control and personal supervision of a licensed professional engineer.
(Act 2003-349, p. 903, § 1.)

§ 25-13-2. Definitions. *Current through End of 2007 Regular Session.*

(a) As used in this chapter, the following terms shall have the following meanings:

(1) Administrator. The State Commissioner of the Department of Labor or his or her designee.

(2) ASCE 21. American Society of Civil Engineers Automated People Mover Standards.

(3) ASME A17.1. The Safety Code for Elevators and Escalators, an American National Standard.

(4) ASME A17.3. The Safety Code for Existing Elevators and Escalators, an American National Standard.

(5) ASME A18.1. The Safety Standard for Platform Lifts and Stairway Chairlifts, an American National Standard.

(6) Automated people mover. An installation as defined as an "automated people mover" in ASCE 21.

(7) Board. The Elevator Safety Review Board.

(8) Certificate of operation. A document issued by the administrator that indicates that the conveyance has had the required safety inspection and tests, and fees have been paid as set forth in this chapter.

(9) Certificate of operation; temporary. A document issued by the administrator which permits the temporary use of a non-complaint conveyance by the general public for a limited time while minor repairs are being completed.

(10) Conveyance. Any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts, stairway chairlifts, and automated people movers.

(11) Dormant elevator, dumbwaiter, or escalator. An installation placed out of service as specified in ASME A17.1 and ASME A18.1.

(12) Elevator. An installation as defined as an "elevator" in ASME A17.1.

(13) Elevator contractor. Any sole proprietor, firm, or corporation who possesses an elevator contractor's license in accordance with the provisions of Sections 25-13-7 and 25-13-8 and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by this chapter.

(14) Elevator helper/apprentice. Any person who works under the general direction of a licensed elevator mechanic. A license is not required.

(15) Elevator inspector. Any person, as defined in ASME QEI as an inspector, who possesses an elevator inspector's license in accordance with the provisions of this chapter.

(16) Elevator mechanic. Any person who possesses an elevator mechanic's license in accordance with the provisions of Sections 25-13-7 and 25-13-8 and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by this chapter.

(17) Escalator. An installation as defined as an "escalator" in ASME A17.1.

(18) Existing installation. An installation as defined as an "installation, existing" in ASME A17.1.

(19) License. A written license, duly issued by the administrator, authorizing a sole proprietor, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining or performing inspections of elevators or related conveyances covered by this chapter.

(20) License, elevator contractor's. A license which is issued to an elevator contractor who has proven his or her qualifications and ability and has been authorized by the board to possess this type of license. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining elevators or related conveyances covered by this chapter.

(21) License, elevator mechanic. A license which is issued to a person who has proven his or her qualifications and ability and has been authorized by the board to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on elevators or related conveyances covered by this chapter.

(22) License, limited elevator mechanic. A license which is issued to a person who has proven his or her qualifications and ability, and has been authorized by the board to work on platform lifts and stairway chairlifts.

(23) License, inspector. A license which is issued to an ASME QEI certified elevator inspector who has proven his or her qualifications and ability and has been authorized by the board to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyances covered by this chapter.

(24) License, limited elevator contractor's. A license which is issued by the administrator, authorizing a sole proprietor, firm, or company who employs individuals to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure, including, but not limited to, private residences.

(25) Licensee. An elevator mechanic, elevator contractor, or elevator inspector.

(26) Material alteration. An "alteration" as defined in the referenced standards.

(27) Moving walk or sidewalk. An installation as defined as a "moving walk" in ASME A17.1.

(28) Private residence. A separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.

(29) Repair. A "repair" as defined in the referenced standards and which does not require a permit.

(30) Temporally dormant elevator, dumbwaiter, or escalator. An installation whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal shall be installed on the mainline disconnect switch by a licensed elevator inspector. This installation shall not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporally dormant status by a licensed elevator inspector. "Temporally dormant" status shall be renewable on an annual basis and shall not exceed a five-year period. The elevator inspector shall file a report with the chief elevator inspector describing the current conditions. The wire seal and padlock shall not be removed for any purpose without permission from the elevator inspector.

(b) All other building transportation terms are as defined in the latest edition of ASME A17.1 and ASME A18.1.

(Act 2003-349, p. 903, § 2; Act 2005-69, p. 97, § 3.)

§ 25-13-3. Applicability. *Current through End of 2007 Regular Session.*

(a) Unless otherwise provided herein, this chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment, its associated parts, and its hoistways:

(1) Hoisting and lowering mechanisms equipped with a car or platform, which move between two

or more landings. This equipment includes, but is not limited to, the following:

- a. Elevators.
- b. Platform lifts and stairway chairlifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following:

- a. Escalators.
- b. Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following:

- a. Dumbwaiters.
- b. Material lifts and dumbwaiters with automatic transfer devices.

(b) This chapter covers the design, construction, operation, inspection, maintenance, alteration, and repair of automatic guided transit vehicles on guideways with an exclusive right-of-way including, but not limited to, automated people movers.

(c) Equipment not covered by this chapter includes, but is not limited to, any of the following:

- (1) Personnel hoists within the scope of ANSI A10.4.
- (2) Material hoists within the scope of ANSI A10.5.
- (3) Manlifts within the scope of ASME A90.1.
- (4) Mobile scaffolds, towers, and platforms within the scope of ANSI A92.
- (5) Powered platforms and equipment for exterior and interior maintenance within the scope of ANSI 120.1.
- (6) Conveyors and related equipment within the scope of ASME B20.1.
- (7) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30.
- (8) Industrial trucks within the scope of ASME B56.
- (9) Portable equipment, except for portable escalators which are covered by ANSI A17.1.
- (10) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story.
- (11) Equipment for feeding or positioning materials at machine tools, printing presses, etc.
- (12) Skip or furnace hoists.
- (13) Wharf ramps.
- (14) Railroad car lifts or dumpers.
- (15) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.
- (16) Equipment otherwise covered under this chapter which is located at an industrial facility that is not accessible by the general public and which is used in the construction, operation, or maintenance of the facility.

(d) This chapter shall not apply to any entity engaged in the generation, transmission, or distribution of electric energy or any employee, agent, or contractor thereof when performing work for the utility or other entity described herein.

(e) The providers required to be licensed under Section 34-14C-4, shall be exempt from this chapter. (Act 2003-349, p. 903, § 3.)

§ 25-13-4. License required. *Current through End of 2007 Regular Session.*

(a) No person shall erect, construct, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this state unless an elevator mechanic license has been issued, as described herein, and the person is working under the direct supervision of a sole proprietor, firm, or corporation who is a licensed elevator contractor pursuant to this chapter. No person shall wire any conveyance, from the mainline feeder terminals on the controller, in the jurisdiction of this state, unless an elevator mechanic license has been issued as described herein and the person is working under the direct supervision of a sole proprietor, firm, or corporation who is a licensed elevator contractor pursuant to this chapter. No other license shall be required for this work. A licensed elevator contractor is not required for removing or dismantling conveyances which are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure whereby no access is permitted therein to endanger the safety and welfare of a person.

(b) No person shall inspect any conveyance within buildings or structures, including, but not limited to, private residences, unless an inspector's license has been issued as described herein.
(Act 2003-349, p. 903, § 4.)

§ 25-13-5. Elevator Safety Review Board -- Created; composition. *Current through End of 2007 Regular Session.*

(a) There is hereby created the Elevator Safety Review Board, herein referred to as the "board," consisting of 10 members, one of whom shall be the State Commissioner of the Department of Labor who shall serve as the administrator. The Governor shall appoint the remaining nine members of the board as follows: One representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative of the architectural design profession; one representative of the general public; one representative of a municipality in this state; one representative of a building owner or manager; one representative who is physically handicapped; one licensed professional engineer; and one representative of labor involved in the installation, maintenance, and repair of elevators. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(b) The initial members constituting the board shall serve for terms of three years, excluding the administrator who shall serve continuously. The board members shall serve without salary, but shall receive from the state expenses necessarily incurred by them in performance of their duties. The Governor shall appoint one of the members to serve as chair, and the chair shall be the deciding vote in the event of a tie vote.

(c) Upon the expiration of the initial terms of office, the terms of office shall be staggered so that three successors shall serve terms of office of one year each; three successors shall serve terms of office of two years each; and three successors shall serve terms of office of three years each. The Governor, by drawing lots, shall determine which successors shall serve one, two, and three-year terms of office. Thereafter, each successor member shall be appointed and serve a term of office of three years. The administrator shall continue to serve continuously.

(Act 2003-349, p. 903, § 5; Act 2005-69, p. 97, § 3.)

§ 25-13-6. Elevator Safety Review Board -- Powers and duties. *Current through End of 2007 Regular Session.*

(a) The board shall be authorized to consult with engineering authorities and organizations concerned with standard safety codes, rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, and inspection of elevators, dumbwaiters, escalators, and the qualifications which are adequate, reasonable, and necessary for an elevator mechanic, contractor, and inspector. Therefore, the board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to legislators.

(b) The board shall establish regulations for the equipment regulated by this chapter. The regulations shall include the Safety Code for Elevators and Escalators, ASME A17.1; the Safety Code for Existing Elevators and Escalators, ASME A17.3; the Safety Standards for Platform Lifts and Stairway Chairlifts, ASME A18.1; Standard for the Qualification of Elevator Inspectors, ASME QEI-1; and Automated People Mover Standards, ASCE 21. The board shall adopt the latest editions of the standards within six months of their effective date. Any modifications to the standards that the administrator deems necessary shall be justified in writing by the board.

(c) The board shall also have the authority to grant exceptions and variances from the literal requirements of applicable code and standards, regulations, and/or local legislation, in cases where such variances would not jeopardize the public safety and welfare. The board shall have the authority to hear appeals, hold hearings, and decide upon such appeal within 30 days of the appeal.

(d) The board shall establish fee schedules for licenses, permits, certificates, and inspections. The fees shall reflect the actual costs and expenses to conduct the duties as described in this chapter. All fees collected by the administrator pursuant to this chapter shall be remitted to the Elevator Safety Review Board Operational Fund in the State General Fund to the credit of the board for its operation.

(e) The board shall be subject to the Alabama Sunset Law, Chapter 20, Title 41, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2005, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

(Act 2003-349, p. 903, § 6; Act 2005-69, p. 97, § 3.)

§ 25-13-7. Application for license. *Current through End of 2007 Regular Session.*

(a) *Elevator Contractor.* Any sole proprietor, firm, or corporation wishing to engage in the business of elevator, dumbwaiter, escalator, moving sidewalk, or other conveyance installation, alteration, service, replacement, or maintenance within this jurisdiction shall make application for a license with the administrator on a form provided by the administrator.

(b) *Elevator Mechanic.* Any person wishing to engage in installing, altering, repairing, or servicing an elevator, dumbwaiter, escalator, moving sidewalk installation, alteration, service, replacement, or maintenance within the jurisdiction of this state shall make application for a license with the administrator on a form provided by the administrator.

(c) *Inspector.* Any person wishing to engage in the business of elevator, dumbwaiter, escalator, moving walk, or platform or stairway chairlift inspections within the jurisdiction of this state, upon proof of ASME QEI certification, shall make application for a license with the administrator on a form to be provided by the administrator.

(d) The application for licenses shall contain information for the following provisions:

(1) If a person or sole proprietor, the name, residence address, and business address of the applicant.

(2) If a partnership, the name and residence and business addresses of each partner.

(3) If a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation. If a corporation other than a domestic corporation, the name and address of a local agent who shall be authorized to accept service of process and official notices.

(4) The number of years the applicant has engaged in the business of installing, inspecting, and maintaining or servicing elevators or platform lifts.

(5) The approximate number of persons, if any, to be employed by the elevator contractor applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance.

(6) Satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance.

(7) Criminal record of convictions, if any, as verified by the Department of Public Safety.

(8) Other information as the administrator may require.

(Act 2003-349, p. 903, § 7.)

§ 25-13-8. Qualifications for mechanic license; issuance without examination. *Current through End of 2007 Regular Session.*

(a) No license shall be granted to any person who has not proven his or her qualifications and abilities. Applicants for a mechanic license must demonstrate the following qualifications:

(1) An acceptable combination of documented experience and education credits and not less than three years work experience in the elevator industry in construction, maintenance, and service and repair, as verified by current and previous employers licensed to do business in this state. Satisfactory completion of a written examination administered by the board on the most recent referenced codes and standards.

(2) Certificates of completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or certificates of completion of an apprenticeship program for elevator mechanic, having standards substantially equal to those of this chapter, and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, or a state apprenticeship council.

(b) Any person who furnishes the administrator with acceptable proof that he or she has worked as an elevator constructor or maintenance or repair person shall upon making application for a license and paying the license fee be entitled to receive a license without an examination. The person shall have worked without direct and immediate supervision for an elevator contractor licensed to do business in this state. This employment shall be not less than three years immediately prior to September 1, 2003. The person must make application within one year of September 1, 2003.

(c) A license shall be issued to an individual holding a valid license from a state having standards substantially equal to those of this chapter upon application and without examination.

(Act 2003-349, p. 903, § 8.)

§ 25-13-9. Qualifications for inspector's license. *Current through End of 2007 Regular Session.*

No inspector's license shall be granted to any person unless he or she demonstrates to the satisfaction of the administrator or other officer designated by the board that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.
(Act 2003-349, p. 903, § 9.)

§ 25-13-10. Requirements for contractor's license. *Current through End of 2007 Regular Session.*

No license shall be granted to any sole proprietor, firm, or corporation that has not demonstrated the requisite qualifications and abilities. Duly authorized applicants for an elevator contractor's license must have in their employ licensed elevator mechanics who perform the work described herein and have proof of compliance with the insurance requirements as set forth in this chapter.
(Act 2003-349, p. 903, § 10.)

§ 25-13-11. Comity. *Current through End of 2007 Regular Session.*

A license may be issued to a sole proprietor, firm, or corporation holding a valid license from a state having standards substantially equal to those of this chapter, upon application.
(Act 2003-349, p. 903, § 11.)

§ 25-13-12. Issuance of license; fees; emergency and temporary elevator mechanic licenses; renewal; continuing education. *Current through End of 2007 Regular Session.*

(a) Upon approval of an application, the administrator may issue a license which shall be renewable biennially. The fee for such license and for any renewal thereafter shall be set by the board.

(b) Whenever an emergency exists in the state due to disaster, act of God, or work stoppage and the number of persons in the state holding licenses granted by the administrator is insufficient to cope with the emergency, the licensed elevator contractors shall respond as necessary to assure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic license from the administrator within five business days after commencing work requiring a license. The administrator shall issue emergency elevator mechanic licenses. The licensed elevator contractor shall furnish proof of competency as the administrator may require. Each such license shall recite that it is valid for a period of 30 days from the date of issuance for particular elevators or geographical areas as the administrator may designate and shall entitle the licensee to the rights and privileges of an elevator mechanic license issued in this chapter. The administrator shall renew an emergency elevator mechanic license during the existence of an emergency. No fee shall be charged for any emergency elevator mechanic license or renewal thereof.

(c) A licensed elevator contractor shall notify the administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the administrator issue temporary elevator mechanic licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic license from the administrator and shall pay such fee as the board shall determine. Each such license shall recite that it is valid for 30 days from the date of issuance and while the person is employed by the licensed elevator contractor who certified the individual as qualified. The license shall be renewable as long as the shortage of license holders shall continue.

(d)(1) The renewal of all licenses granted under this section shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing provisions of the regulations of the board. The course shall consist of not less than eight hours of instruction and shall be attended and completed within one year immediately preceding any such license renewal.

(2) The course shall be taught by instructors through continuing education providers and may include, but not be limited to, association seminars and labor training programs. The board shall approve the continuing education providers. All instructors shall be approved by the board and exempt from the requirements of the preceding paragraph with regard to application for license renewal provided that the applicant was qualified as an instructor at any time during the year immediately

preceding the scheduled date for such renewal.

(3) A licensee who is unable to complete the continuing education course required under this section prior to the expiration of his or her license due to a temporary disability may apply for a waiver from the board. This shall be on a form provided by the board which shall be signed under the penalties of perjury and accompanied by a certified statement from a competent physician attesting to the temporary disability. Upon the termination of the temporary disability, the licensee shall submit to the board a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability. At that time a waiver sticker, valid for 90 days, shall be issued to the licensee and affixed to his or her license.

(4) Approved training providers shall keep uniform records, for a period of 10 years, of attendance of licensees following a format approved by the board, and the records shall be available for inspection by the board. Approved training providers shall be responsible for the security of all attendance records and certificates of completion; provided, however, that falsifying or knowingly allowing another to falsify such attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this section.

(Act 2003-349, p. 903, § 12; Act 2005-69, p. 97, § 3.)

§ 25-13-13. Suspension, revocation, etc., of license. *Current through End of 2007 Regular Session.*

(a) A license issued pursuant to this chapter may be suspended, revoked, or subject to civil penalty by the administrator upon verification that any one or more of the following reasons exist:

- (1) Any false statement as to material matter in the application.
- (2) Fraud, misrepresentation, or bribery in securing a license.
- (3) Failure to notify the administrator and the owner or lessee of an elevator or related mechanism of any condition not in compliance with this chapter.
- (4) Violation of any provisions of this chapter.

(b) No license shall be suspended, revoked, or subject to civil penalty until after a hearing before the administrator upon notice to the licensee of at least 10 days at the last known address appearing on the license, served personally or by registered mail. The notice shall state the date, hour, and place of hearing and set forth a statement of facts constituting the grounds for the charges against the licensee. The administrator may suspend or revoke the license or dismiss the proceeding.

(c) Any person, sole proprietor, firm, or corporation whose license is revoked, suspended, or subject to civil penalty may appeal from such determination to the board, which shall, within 30 days thereafter, hold a hearing, of which at least 15 days' written notice shall be given to all interested parties. The board shall, within 30 days after such hearing, issue a decision.

(Act 2003-349, p. 903, § 13.)

§ 25-13-14. Registration of conveyances. *Current through End of 2007 Regular Session.*

Within six months after the date of the appointment of the board, the owner or lessee of every existing conveyance shall register with the board and the administrator each such elevator, dumbwaiter, platform lift, and escalator, or device described in Section 25-13-1 owned and operated by the owner or lessee, giving the type, rated load and speed, name of manufacturer, its location and the purpose for which it is used, and such additional information as the administrator may require. Elevators, dumbwaiters, platform lifts, escalators, and moving walks, or other conveyances on which construction has begun subsequent to the date of the creation of the board shall be registered at the time they are completed and placed in service.

(Act 2003-349, p. 903, § 14.)

§ 25-13-15. Installation, service, maintenance of conveyances. *Current through End of 2007 Regular Session.*

It shall be the responsibility of individuals, firms, or corporations licensed by this chapter to ensure that installation and/or service and maintenance of elevators and devices described in Section 25-13-1 are performed in compliance with the provisions contained in the state fire prevention and building codes and with generally accepted standards referenced in the code.

(Act 2003-349, p. 903, § 15.)

§ 25-13-16. Conveyance permit required. *Current through End of 2007 Regular Session.*

(a) No conveyance covered by this chapter shall be erected, constructed, installed, or altered within buildings or structures within this jurisdiction unless a permit has been obtained from the administrator before the work is commenced. Where any material alteration, as defined herein, is made, the device shall

conform to applicable requirements in ASME A17.1, ASME A18.1, or ASCE 21 for the alteration. No permit required hereunder shall be issued except to a sole proprietor, firm, or corporation holding a current elevator contractor's license, duly issued pursuant to this chapter. A copy of such permit shall be kept at the construction site at all times while the work is in progress.

(b) The permit fee shall be as set by the board. Permit fees collected are non-refundable.

(c) Each application for a permit shall be accompanied by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building; the location of the machinery room and the equipment to be installed, relocated, or altered; and all structural supporting members thereof, including foundations, and shall specify all materials to be employed and all loads to be supported or conveyed. Such plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(d) The applicable fees shall accompany each permit application.
(Act 2003-349, p. 903, § 16.)

§ 25-13-17. Revocation of permit; extension of time. *Current through End of 2007 Regular Session.*

(a) Permits may be revoked for the following reasons:

(1) Where any false statements or misrepresentations were made as to the material facts in the application, plans, or specifications on which the permit was based.

(2) Where the permit was issued in error and should not have been issued in accordance with this chapter.

(3) Where the work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with this chapter or conditions of the permit.

(4) Where the elevator contractor to whom the permit was issued fails or refuses to comply with a STOP WORK order.

(5) If the work authorized by the permit is not commenced within six months after the date of issuance or within a shorter period of time as the administrator, or his or her authorized representative in his or her discretion, may specify at the time the permit is issued.

(6) If the work is suspended or abandoned for 60 days, or shorter time as the administrator may specify at the time the permit is issued, after the work has been started.

(b) The administrator may allow an extension of time at his or her discretion.

(Act 2003-349, p. 903, §§ 17, 18.)

§ 25-13-18. Installation by licensee; certification of compliance; certificate of operation; inspection.

Current through End of 2007 Regular Session.

(a) All new conveyance installations shall be performed by a sole proprietor, firm, or corporation to which a license to install or service conveyances has been issued. Subsequent to installation, the licensed sole proprietor, firm, or corporation must certify compliance with the applicable sections of this chapter. Prior to any conveyance being used, the property owner or lessee must obtain a certificate of operation from the administrator. A fee as set forth in this chapter shall be paid for the certificate of operation. It shall be the responsibility of the licensed elevator contractor to complete and submit first-time registrations for new installations. The certificate of operation fee for newly installed platform lifts and stairway chairlifts for private residences shall be subsequent to an inspection by a licensed third party inspection firm.

(b) The certificate of operation fee for all new and existing stairway chairlifts for private residences and any renewal fees shall be waived. The administrator, or his or her designee, shall inspect, in accordance with the requirements set forth in this chapter, all newly installed and existing platform lifts and stairway chairlifts for private residences subsequent to an inspection by a person, firm, or corporation to which a license to inspect conveyances has been issued. The administrator shall provide notice to the owner of the private residence where the conveyance is located with relevant information about conveyance safety requirements, including, but not limited to, having the owner contact the administrator in order to ensure that the conveyance is periodically and timely inspected and made safe before the permit for the conveyance expires. The inspection shall only be done at the request and consent of the private residence owner. All penalty provisions of this chapter shall not apply to private residence owners.

(c) A certificate of operation is renewable annually except for certificates issued for platform and stairway chairlifts for private residences, which shall be valid for a period of three years. Certificates of operation must be clearly displayed on or in each conveyance.

(Act 2003-349, p. 903, § 19.)

§ 25-13-19. Insurance policies. *Current through End of 2007 Regular Session.*

(a) Elevator contractors shall submit to the administrator an insurance policy, or certified copy thereof, issued by an insurance company authorized to do business in the state to provide general liability coverage of at least one million dollars (\$1,000,000) for injury or death of any number of persons in any one occurrence and with coverage of at least five hundred thousand dollars (\$500,000) for property damage in any one occurrence and the statutory workers' compensation insurance coverage.

(b) Elevator inspectors, not employed by the authority having jurisdiction, shall submit to the administrator an insurance policy, or certified copy thereof, issued by an insurance company authorized to do business in the state to provide general liability coverage of at least one million dollars (\$1,000,000) for injury or death of any number of persons in any one occurrence and with coverage of at least five hundred thousand dollars (\$500,000) for property damage in any one occurrence and the statutory workers' compensation insurance coverage.

(c) The policies, or duly certified copies thereof, or an appropriate certificate of insurance approved as to form by the administrator shall be delivered to the administrator before or at the time of the issuance of a license. In the event of any material alteration or cancellation of any policy, at least 10 days' notice shall be given to the administrator.

(Act 2003-349, p. 903, § 20.)

§ 25-13-20. Enforcement program; investigation. *Current through End of 2007 Regular Session.*

(a) It shall be the duty of the administrator to develop an enforcement program which will ensure compliance with regulations and requirements referenced in this chapter. An enforcement program shall include, but is not limited to, regulations for identification of property locations which are subject to the regulations and requirements; issuing notifications to violating property owners or operators; random on-site inspections and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, sole proprietors, firms, or corporations; and assisting in the development of public awareness programs.

(b) Any person may request an investigation into an alleged violation of this chapter by giving notice to the administrator of such violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request. Upon the request of any person signing the notice, such person's name shall not appear on any copy of the notice or any record published, released, or made available.

(c) If upon receipt of a notification, the administrator determines that there are reasonable grounds to believe that a violation or danger exists, the administrator shall cause to be made an investigation in accordance with this chapter as soon as practicable to determine if such violation or danger exists. If the administrator determines that there are no reasonable grounds to believe that a violation or danger exists, the administrator shall notify the party in writing of such determination.

(Act 2003-349, p. 903, § 21.)

§ 25-13-21. Liability under chapter. *Current through End of 2007 Regular Session.*

This chapter shall not be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing, or repairing any elevator or other related mechanism covered by this chapter for damages to person or property caused by any defect therein, nor does the state assume any such liability or responsibility therefor or any liability to any person for whatever reason whatsoever by the enactment of this chapter or any acts or omissions arising hereunder.

(Act 2003-349, p. 903, § 22.)

§ 25-13-22. Penalties. *Current through End of 2007 Regular Session.*

Any owner or lessee who shall violate any of the provisions of this chapter, upon conviction thereof, shall be fined in an amount not to exceed one thousand five hundred dollars (\$1,500) or be imprisoned for a period not exceeding 30 days or both fined and imprisoned.

(Act 2003-349, p. 903, § 23.)

§ 25-13-23. Compliance with chapter. *Current through End of 2007 Regular Session.*

The provisions of this chapter are not retroactive unless otherwise stated, and equipment shall be required to comply with the applicable code at the date of installation or within the period determined by

the board for compliance with ASME A17.3, whichever is more stringent. If upon the inspection of any device covered by this chapter, the equipment is found to be in dangerous condition or there is an immediate hazard to those riding or using the equipment or if the design or the method of operation in combination with devices used is considered inherently dangerous in the opinion of the administrator, the administrator shall notify the owner of the condition and shall order such alterations or additions as may be deemed necessary to eliminate the dangerous condition.
(Act 2003-349, p. 903, § 24.)

§ 25-13-24. Annual inspections required. *Current through End of 2007 Regular Session.*

(a) It shall be the responsibility of the owners of all new and existing conveyances located in any building or structure to have the conveyances inspected annually (ASME A17.1, category one) by a licensed elevator inspector. Subsequent to inspection, the licensed elevator inspector shall supply the property owner or lessee and the administrator with a written inspection report describing any and all violations. Property owners shall have 30 days from the date of the published inspection report to be in full compliance with correcting the violations.

(b) It shall be the responsibility of the owners of conveyances to have a licensed elevator inspector, as described in this chapter, insure that the required tests are performed at intervals in compliance with ASME A17.1, ASME A18.1, and ASCE 21.

(c) All tests shall be performed by a licensed elevator mechanic.
(Act 2003-349, p. 903, § 25.)

§ 25-13-25. Relation to other laws, etc. *Current through End of 2007 Regular Session.*

Whenever a provision in this chapter is found to be inconsistent with any provision of applicable state law, any rule or regulation promulgated thereunder, or any code, the applicable state law shall prevail. This chapter, unless specifically stated otherwise, is not intended to establish more stringent or more restrictive standards than standards set forth in the applicable state law.
(Act 2003-349, p. 903, § 26.)

Board Members



JIM BENNETT
COMMISSIONER

Ralph Pate
Chief Inspector
Elevator/Boiler
Safety Division

STATE OF ALABAMA DEPARTMENT OF LABOR

100 NORTH UNION STREET-SUITE 620
P.O. BOX 303500
MONTGOMERY, ALABAMA
ZIP 36130-3500

PHONE (334) 242-3460

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March 21, 2008

ELEVATOR SAFETY REVIEW BOARD

10 Member Board Appointed by the Governor for 3 year terms upon expiration staggered terms: 3 for 1 year, 3 for 2 years, and 3 for 3 years.

Mr. Arthur W. Steber

ASteber@aol.com

P.O. Box 680690
Prattville, AL 36068
Ph # 334 365-3634
White Male
Chairman
Represents Elevator Manufacturers
Originally Appointed December 24, 2003
Expires December 24, 2006
Reappointed for 3 years
Expires December 24, 2009

Jim Bennett

jbennett@alalabor.alabama.gov

Commissioner, Dept of Labor
P.O. Box 303500
Montgomery, AL 36130-3500
334 242-3071
White Male
Represents Dept of Labor
Appointed by Statute, December 24, 2003

Mr. Jay Weldon Jenkins

jay@jenkinsmunroejenkins.com

301 Buckner Circle
Anniston, AL 36205
Ph # 256-820-9405
White Male
Represents Architectural Design
Originally Appointed December 24, 2003

Expires December 24, 2006
Reappointed for 3 years
Expires December 24, 2009

Mr. Ray Meadows

stanleymeadows@bellsouth.com

86 High Country
Millbrook, AL 36054
Ph # 334-285-2703
White Male
Represents Elevator Service and Repair Companies
Originally Appointed December 24, 2003
Expired December 24, 2006
Reappointed for 2 years
Expires December 24, 2008

Ms. Betty A. Swann

BettySwann@cousinsproperties.com

59 Burnham Street
Birmingham, AL 35242
Ph # 205-995-2074
White Female
Represents Public
Originally Appointed August 24, 2005
Expired December 24, 2006
Reappointed for 2 years
Expires December 24, 2008

Mr. Jim Wyatt

jhwytatt@ci.birmingham.al.us710 20th

Street, North
Birmingham, AL 35127
Ph # 205-254-2211
White Male
Represents Municipal
Originally Appointed December 24, 2003
Expired December 24, 2006
Reappointed for 3 years
Expires December 24, 2009

Mr. Larry V. Gardner

no email address

341 Forest View Circle
Hayden, AL. 35079
Ph # 205-590-2189
White Male
Represents Building Owners/Managers

Originally Appointed December 24, 2003
Expired December 24, 2006
Reappointed for 1 year
Expires December 24, 2007

Mr. Jerry W. Bragwell
310 Hemlock Street
Russellville, AL 35653
Ph # 256-332-9743
White Male
Represents Physically Disabled Community
Originally Appointed December 24, 2003
Expired December 24, 2006
Reappointed for 2 years
Expires December 24, 2008

jerry310@charter.net

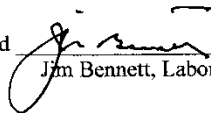
Mr. Joe Weatherford
Weatherford and Associates
8150 Old Federal Road
Montgomery, AL 36117
Ph# 334 277-9550
Originally Appointed August 21, 2007
Expired December 24, 2006
Reappointed for 1 year
Expires December 24, 2007

joe@waeng.com

Mr. Ricky J. Guthrie
P.O. Box 11462
Birmingham, AL 35202
Ph # 205-591-4185
White Male
Represents Labor
Originally Appointed August 21, 2005
Expires December 24, 2006
Reappointed August 21, 2007
Expires December 24, 2007

local24@bham.rr.com

Signed


Jim Bennett, Labor Commissioner

RESPONSE TO SIGNIFICANT ITEMS



JIM BENNETT
COMMISSIONER

Ralph Pate
Chief Inspector
Elevator/Boiler
Safety Division

**STATE OF ALABAMA
DEPARTMENT OF LABOR**

100 NORTH UNION STREET-SUITE 620
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July 14, 2008

John E. Norris
Director, Operational Division
Examiners of Public Accounts
State of Alabama
Gordon Persons Building
50 North Ripley Street
Montgomery, Alabama 36104-3833

Dear Mr. Norris:

Attached are responses to significant items you requested from the Elevator Safety Review Board.

The attachment is in a word document to allow you to copy and paste them in the document of your choice. If you prefer a different method please let me know.

Departmental Response to significant item #1:

Although we can continue to try and correct this item through the normal legislative process, the Department respectfully requests the Sunset Committee to correct this item through its Sunset legislation.

Departmental Response to significant item #2:

The Elevator Safety Division is not yet fully staffed. The Board intends to double its efforts to fill the three Deputy Inspector vacancies it currently has. We are authorized four inspector slots. This should better account for the fee structure currently established by the board.